

CITY COUNCIL AGENDA

MAY 25, 2010

SYNOPSIS

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO, VICE MAYOR
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Community & Economic Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 5)**
Mt. Pleasant High School Guitar Ensemble performed a musical piece entitled “The Rainbow Connection” for the Invocation.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
None.

1. CEREMONIAL ITEMS

- 1.1 Presentation by PG&E of an energy conservation incentive rebate check for \$133,869 to Mineta San José International Airport for the energy-efficient design of the Terminal B Concourse under the PG&E “Savings by Design” program. (Airport/Public Works)
Mayor Reed, Director of Public Works Katy Allen and Director of Aviation William F. Sherry received an energy conservation incentive rebate check for \$133,869 to Mineta San José International Airport for the energy-efficient design of the Terminal B Concourse under the PG&E “Savings by Design” program.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**
None.
- 2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- (a) Rules and Open Government Committee Report of May 5, 2010. (Mayor)
- (b) Neighborhood Services and Education Committee Report of May 13, 2010. (Campos)
- (c) Transportation and Environment Committee Report of May 3, 2010. (Liccardo)
[Deferred from 5/18/10 – Item 2.3(a)]

Deferred to 6/8/10 per City Clerk.

- 2.4 **Mayor and Council Excused Absence Requests.**
None.
- 2.5 **City Council Travel Reports.**
None.
- 2.6 **Advertising Plan for HP Pavilion.**

Recommendation: Approve the biennial advertising plan for HP Pavilion at San José as submitted by HP Pavilion Management and reviewed by the San José Arena Authority.
CEQA: Not a Project. (City Manager’s Office)
Approved.

2. CONSENT CALENDAR

2.7 Schedule of Fees and Charges for Use of City Hall and City Hall Plaza.

Recommendation: Adopt resolutions amending the Schedule of Fees and Charges for Use of City Hall and City Hall Plaza, superseding Resolution No. 74982, and approving a revision to Council Policy 7-2 related to use of City Hall to allow for meetings by other government agencies in the Council Chambers without charge at which business affecting the City of San José will be discussed. CEQA: Not a Project, File No. PP10-068(b) General Procedure and Policy Making. Council District 3. SNI: University. (General Services)

Resolution No. 75378 and 75379 adopted.

2.8 Agreement for the Transportation Incident Management Center.

Recommendation: Approve an agreement with Siemens Industry, Inc. for consultant services for the system design and implementation of the Transportation Incident Management Center for the period of the date of execution to December 30, 2013 and in a total amount not to exceed \$997,700. CEQA: File No. PP02-07-193, Resolution No. 68905. Council District 3. (Transportation)

Approved.

2.9 Travel Request for City Clerk Lee Price.

Recommendation: Approve travel for City Clerk Lee Price to Riverside, California on June 8 -11, 2010 to provide election training services at Technical Track for City Clerks. Source of Funds: Technical Track for City Clerks. (City Clerk)
(Rules Committee referral 5/19/10)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report) **None.**

3. STRATEGIC SUPPORT SERVICES

3.2 City of San José Executive Home Loan Program.

Recommendation:

- (a) As recommended by the Public Safety, Finance and Strategic Support Committee on April 15, 2010, accept the report containing recommended changes to the City of San José Executive Home Loan Program.
Accepted.

- (b) Adopt a resolution modifying the City of San Jose Executive Home Loan Program and repealing Resolution No. 69478.

(City Manager's Office)

[Public Safety, Finance and Strategic Support Committee referral 4/15/10 – Item D(7)]

(Deferred from 5/4/10 – Item 3.2 and 5/18/10 – Item 3.2)

Resolution No. 75380 adopted.

Noes: Campos.

3.3 Declaration of Surplus Construction Funds and Authorization of Fund Transfers and Disbursements for Expired Special Assessment Districts.

Recommendation:

- (a) Adopt a resolution to take the following actions for the disposition of balances remaining in expired special assessment district funds:
- (1) Declare surplus construction funds for special assessment districts 83-180SJ (Tenth-Senter) and 87-201SJ (N. 1st St.-E. Tasman Refunding) and authorize the use of these funds for the maintenance of improvements funded by these districts;
 - (2) Authorize the liquidation of surplus construction and administrative funds, and transfer to the General Fund;
 - (3) Authorize the disbursement of excess assessment and bond reserve funds to past assessees; and
 - (4) Authorize the disposition of excess water main repayment funds, including the disbursement of a portion of the funds to past assessees and the liquidation and transfer to the General Fund of the remaining portion of the funds.

Resolution No. 75381 adopted.

Noes: Kalra

(Item Continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Declaration of Surplus Construction Funds and Authorization of Fund Transfers and Disbursements for Expired Special Assessment Districts (Cont'd.)

Recommendation:

- (b) Adopt the following FY 2009-10 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
- (1) Increase the revenue estimate for Transfers and Reimbursements by \$4,496,200;
 - (2) Increase the Economic Uncertainty Reserve by \$3,533,814;
 - (3) Establish a transfer to the Improvement District No. 99-218SJ (Hellyer-Piercy) construction fund in an amount not to exceed \$448,198 to account for prior year ineligible expenses;
 - (4) Establish a transfer to the Community Facilities District No. 6 (Great Oaks-Route 85) construction fund in the amount of \$96,674 to account for prior year ineligible expenses;
 - (5) Establish a Tenth-Senter Maintenance Project Reserve in the amount of \$214,540;
 - (6) Establish a N. 1st Street-E. Tasman Maintenance Project Reserve in the amount of \$72,974; and
 - (7) Establish a City-wide appropriation to the Finance Department for Inactive Improvement District Funds Close-Out Administration in the amount of \$130,000.

CEQA: Not a Project. (Finance)

Ordinance No. 28747 adopted.

Resolution No. 75382 adopted.

Noes: Kalra

3.4 Appointment to Fill an Unanticipated Vacancy on the Police and Fire Retirement Board.

Recommendation: Consider an appointment to fill an unscheduled vacancy for the active Fire Department Employee Member of the Board of Administration of the Police and Fire Department Retirement Plan. (City Clerk)

(Rules Committee referral 5/12/10)

Sean Kaldor appointed to serve term ending November 30, 2011.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Mexican Heritage Plaza Conceptual Model and Work Plan and Agreement with the Alum Rock Union Elementary School District.

Recommendation:

- (a) As recommended by the Community and Economic Development Committee on April 26, 2010, accept the report on the transition plan for Mexican Heritage Plaza. (General Services)
[Community and Economic Development Committee referral 4/26/10 – Item D(2)]
Accepted.
- (b) Approve the Mexican Heritage Plaza Steering Committee's recommendations for:
 - (1) The conceptual model of a School of Arts & Culture at the Mexican Heritage Plaza.
 - (2) A Phase II work plan to: analyze financial modeling; begin fundraising and leadership development, and plan and prototype the types of programming and curriculum to be offered.**Approved.**
- (c) Council direction to staff to present, based on the Phase II work:
 - (1) A progress report to the Community & Economic Development Committee by January 2011.
 - (2) Meaningful opportunities for community input.
 - (3) Specific recommendations related to financial (including the level of future City financial support), programming, and operational issues as part of the 2011-2012 Proposed Operating Budget.**Approved.**
- (d) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Alum Rock Union Elementary School District to convert the second floor office space at the Mexican Heritage Plaza to classrooms and operate during the 2010-2011 school year.

CEQA: File No. PP10-097. Council District 5. SNI: Mayfair. (General Services/Economic Development)

Resolution No. 75383 adopted.

Staff's recommendations were approved with additional recommendations as outlined in the memorandum from Mayor Reed and Council Members Campos and Kalra dated May 20, 2010. City Clerk to report back to the City Council about whether or not Constituent Outreach Funds may be used for outreach concerning the relocation of the Resident Arts Partners to the Hillview Library.

5. NEIGHBORHOOD SERVICES

5.1 Citywide Aquatics Program Status Report.

Recommendation: Accept staff report on the status of the 2010 Summer Aquatics Program. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)
Accepted.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Airport Competitiveness Strategic Plan.

Recommendation: As recommended by the Rules and Open Government Committee on May 5, 2010, approve the strategic planning principles for the Airport that will guide the staff and Council decisions on the individual components of the Airport competitiveness strategic plan. (Airport)
[Rules Committee referral 5/5/10 – Item H(4)]
Approved.

6.2 Award of Contract for the Taxiway W Reconstruction Project at the Norman Y. Mineta San José International Airport

Recommendation:

- (a) Adopt a resolution authorizing the Director of Public Works to determine the lowest responsive and responsible bidder for the Taxiway W Reconstruction Project at the Norman Y. Mineta San José International Airport and to either: (i) award the contract to the lowest responsive and responsible bidder in an amount not to exceed \$8,500,000, contingent upon award and execution of an Airport Improvement Program (AIP) Grant from the Federal Aviation Administration; or (ii) reject all bids and re-bid the Project.

Resolution No. 75384 adopted.

- (b) Approve a contingency equal to fifteen percent of the award amount.
CEQA: Resolution Nos. 67380 and 71451, File No. PP10-065. (Airport/Public Works)
Approved.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Memorandum of Understanding to Submit a Joint Response to the County Ambulance RFP.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding with American Medical Response West to submit an integrated Request for Proposal response to the “Advanced Life Support First Response and Paramedic Ambulance Transportation for the County’s Exclusive Operating Areas.” CEQA: Not a Project, File No. PP10-066, Agreements/Contracts; services that involve no physical changes to the environment. (Fire/City Manager’s Office)

Resolution No. 75385 adopted.

8.2 2010 Assistance to Firefighters Grant Application.

Recommendation:

(a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
Approved.

(b) Adopt a resolution authorizing the City Manager to apply for the Federal Emergency Management Agency’s 2010 Assistance to Firefighters Grant Program for funding to replace the Fire Department’s Cardiac Monitor/Defibrillator inventory and to be the host agency on a regional application for a Live Burn Training Trailer. CEQA: Not a Project, File No. PP10-068(a), Grant Application. (Fire)

(Orders of the Day)

Resolution No. 75386 adopted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

See Item 8.1 “Agency Board and City Council action related to implementation of the West San Carlos/Steven Creek CBID” on the Redevelopment Agency Agenda, which will be heard and action taken only during the Redevelopment Agency Meeting that follows the Council Meeting today.

- **Open Forum**
 - (1) **Wilma Hashii provided numerous letters from the students of Parkview Elementary school expressing concern over reduction of library services and hours. She urged the Council to find creative solutions for opening Seven Trees and Bascom libraries.**
 - (2) **David Wall commented on the attendance of members of the Community and Economic Development.**
 - (2) **Mark Trout expressed concern about the H1N1 flu virus.**

- **Adjournment**

The Council of the City of San José was adjourned at 5:17 p.m.

**JOINT CITY OF SAN JOSÉ CITY COUNCIL/
FINANCING AUTHORITY/AGENDA**

1:30 P.M.

TUESDAY, MAY 25, 2010

CHAMBERS

- 1. Call to Order
4:55 p.m.**
- 2. Actions Related to the City of San José Financing Authority's Lease Revenue Bonds, Series 2008 ABCDE Letter of Credit Renewal.**

Recommendation:

- (a) Adopt a resolution of the City Council to:
 - (1) Authorize the negotiation, execution and delivery of the amendments to the Letter of Credit and Reimbursement Agreements related to the City of San José Financing Authority's Lease Revenue Bonds, Series ABCDE (Various Projects) in order to extend the term of these agreements and to authorize other related actions.

Resolution No. 75387 adopted.

Disqualified: Pyle.

- (b) Adopt a resolution of the City of San José Financing Authority Board to:
 - (2) Authorize the negotiation, execution and delivery of the amendments to the Letter of Credit and Reimbursement Agreements related to the City of San José Financing Authority's Lease Revenue Bonds, Series ABCDE (Various Projects) in order to extend the term of these agreements and to authorize other related actions.

CEQA: Not a Project. (Finance)

SJFA Resolution No. 100 Adopted.

Disqualified: Pyle.

- 3. Adjourn the San José Financing Authority.
5:05 p.m.**

8. JOINT REDEVELOPMENT AGENCY ITEMS

The Joint Redevelopment Agency Board convened at 5:06 p.m. to consider Item 8.1 in a Joint Session.

8.1 Agency Board and City Council action related to implementation of a West San Carlos/Stevens Creek CBID.

Recommendation: City Council and Agency Board authorization for the City Manager to forward a letter to the County Board of Supervisors explaining that the City is proposing implementation of a West San Carlos/Stevens Creek Community Benefit Improvement District (CBID), and to forward a Draft Resolution that, if adopted by the Board, would authorize the City to conduct District formation proceedings in the County, to include unincorporated County parcels. CEQA: Exempt, PP10-064. **[WEST SAN CARLOS NBD]**
Approved.

The Council of the City of San José and Redevelopment Agency Board was adjourned at 5:09 p.m.